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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,085	01/13/2000	HIDEO ANDO	0039-7513-2S	6528
22850	7590	03/31/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.				
1940 DUKE STREET				
ALEXANDRIA, VA 22314				
			ART UNIT	PAPER NUMBER
			2615	27

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,085

Applicant(s)

ANDO ET AL.

Examiner

HUY T NGUYEN

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 50-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 50-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Kim et al (6,470,135) in view of Itokawa (6,477,317).

Regarding claims 42-49, Kim discloses an information storage medium and apparatus for recording/ reproducing information on and from the recording medium (Figs. 1-3), the medium comprises:

a data area (230) configured to store an MPEG transport stream (column 3, lines 15-30, column 4, lines 50-55, column 5, lines 55-65) containing information of I-

Art Unit: 2615

pictures, the MPEG transport stream being recorded as data units (SOBUs); and a management area for storing the size of a unit (column 5, lines 25-40, column 6, lines 40-65, column 7, lines 10-20). Kim further teaches means for recording the MPEG transport stream and management information on the medium and means for reproducing the MPEG transport stream and management information (Fig. 4) and information indicating that the data unit which contains an access unit corresponding to an I-picture, and a second information of a random access indicator corresponding to the I-picture (column 4, lines 45-55, column 5-6, column 7, lines 40-55).

Kim fails to teach that the unit further comprising program associated table and program map table.

Itokawa teaches a recording/ reproducing apparatus in which the recording means recording the MPEG transport stream of units, each unit having a leading side comprising a program associated table and program map table (column 3, lines 15-29, Figs. 3 and 5).

It would have been obvious to one of ordinary skill in the art to modify Kim with Itokawa by providing means for providing each unit of transport stream of Kim with program associated table and program map table thereby allowing the unit can be accurately accessed when the apparatus records a multiple transport streams on the medium.

Kim further teaches means for recording the transport stream and management information on the medium (column 5, Fig. 1).

Kim further teaches reproducing means for reproducing the management information and transport stream (Fig. 14, column 4, lines 45-55, column 5 lines 60-68).

3. Claims 50-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis in view of Hirabayashi et al (6,002,834).

4. Regarding claims 50-61, Davis discloses an information storage medium and apparatus for recording/ reproducing information on and from the recording medium (Figs. 1-3), the medium comprises:

a data area configured to store units of an MPEG transport stream containing information of I- pictures, each unit comprises a leading side comprising at least one of a program associate table (PAT) and a program map table (PMT) and transport stream data including I picture for each unit having a leading side comprising a program associated table and program map table (column 10, line 50 to column 11, line 40)

Davis fails to teach the medium further having a management area for storing management information that includes information used for accessing I picture.

Hirabayashi et al teaches a medium having a management information area (TOC) (Fig. 5, Abstract) stored with information used for accessing I picture in data area. It would have been obvious to one of ordinary skill in the art to modify Davis with Hirabayashi by using a control means as taught by Hirabayashi with the apparatus of Davis for generating a management area storing the information used for accessing

the I picture when needed thereby enhancing the capacity of the apparatus of Davis in a special reproduction mode.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Miyazawa teaches apparatus the forming transport stream having PAT and PMT packets. Takashimizu teaches apparatus for storing MPEG transport stream having PT and PMT packets on a medium.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUYNH NGUYEN
PRIMARY EXAMINER